

13-2725-04 1230
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Guy W. Miller Examiner: Unknown
Serial No.: 10/686,129 Group Art Unit: 1615
Filed: October 14, 2003 Docket: 13682.0002USC1
Confirmation No.: 7630 Notice of Allow. Date:

Due Date:

Title: NON-DIGESTIBLE SUGAR-COATED PRODUCTS AND PROCESS

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 408493815 US
Date of Deposit: October 20, 2004

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By: Lynda Kraft
Name: Lynda Kraft

Mail Stop IDS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 19 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: Denise M Kettelberger
Name: Denise M. Kettelberger, Ph.D.
Reg. No.: 33,924
DMK:lek

S/N 10/686,129

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Guy W. Miller | Examiner: | Unknown |
| Serial No.: | 10/686,129 | Group Art Unit: | 1615 |
| Filed: | October 14, 2003 | Docket No.: | 13682.000002USC1 |
| Title: | NON-DIGESTIBLE SUGAR-COATED PRODUCTS AND PROCESS | | |

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By:

Name: Lynnda Kraft

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop IDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Enclosed for the Examiner's information is a copy of the International Search Report. Applicant(s) note(s) reference(s) US 4,927,811 and US 6,200,605 also listed in the search report was/were previously cited to or by the Examiner. At least some of the references were recently cited in an International Search Report mailed September 16, 2002.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

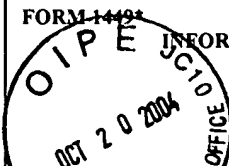
Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
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Date: 20 October 2004

Denise M Kettelberger
Denise Kettelberger, Ph.D.
Reg. No. 33,924
DMK:lek



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| FORM 1449  INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 13683.0002USC1 | Application Number: 10/686,129 |
| | Applicant: Guy W. Miller | |
| | Filing Date: October 14, 2003 | Group Art Unit: 1615 |

| U.S. PATENT DOCUMENTS | | | | | | |
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| | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |
| | | | | | | YES NO |
| | | | | | | |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
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| | | Bezkarovainy, 2001, <i>Am. J. Clin. Nutr.</i> , Vol. 73 (suppl.), pp. 399S-405S "Probiotics: determinants of survival and growth in the gut." |
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| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | |

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| FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 13683.0002USC1 | Application Number: 10/686,129 |
| | Applicant: Guy W. Miller | |
| | Filing Date: October 14, 2003 | Group Art Unit: 1615 |

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| | | Copy of PCT International Search Report dated 09/16/2002 for International Application No. PCT/US02/12323 |



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